

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|--------------------------|---|---------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Case No. 3:11-CR-25 |
| |) | PHILLIPS/SHIRLEY |
| DAVID MINER |) | |

MOTION TO CONTINUE

Comes the defendant, David Miner, and moves this Honorable Court for an Order extending the motion cut-off deadline in this case. The original motion cut-off deadline was May 25, 2011. A motion is pending to continue the case due to a delay in getting discovery to the defendant. The government has placed the discovery on a disk and provided it to the defendant. This was satisfactory with the defendant, however, it did take additional time in which to prepare. On May 25, 2011, the defendant filed a motion to continue the motion cut-off deadline, the pre-trial conference date, and the trial date. The district judge granted the motion cut-off deadline and reset it for June 20, 2011. After filing the motion was filed the government provided the discovery disk to the defendant. The disk contains 4,181 pages of discovery. Neither the defendant, not his counsel, have had sufficient time to go thru all of the discovery. Additional time is needed. It is anticipated that the trial date will be reset at the pre-trial conference on June 22, 2011. The defendant would ask that the motion cut-off deadline be extended to allow him time to review all of the discovery.

Respectfully submitted this the 20th day of June, 2011.

FEDERAL DEFENDER SERVICES OF
EASTERN TENNESSEE, INC.

By: s/Kim A. Tollison
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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2011, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the court's electronic filing system.

s/Kim A. Tollison
Kim A. Tollison